

ORDINANCE NO. 2005- 008

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 17-116 OF THE CODE OF LAWS AND ORDINANCES; CODIFYING THE TOURIST DEVELOPMENT ORDINANCE OF PALM BEACH COUNTY, ORDINANCE 95-30, SECTION 7, AS AMENDED; AMENDING THE TOURIST DEVELOPMENT PLAN BY INCREASING THE ANNUAL FUNDING FOR SPECIAL MAJOR PROJECTS AND EVENTS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 17-116 of the Code of Laws and Ordinances relating to the Palm Beach County Government/Ordinance 95-30, as amended, the Tourist Development Ordinance of Palm Beach County, Florida (hereinafter "Ordinance"), levied a four percent (4%) Tourist Development Tax ("Bed Tax") for certain permissible uses as set forth in Section 125.0104, Florida Statutes; and

WHEREAS, the Ordinance established the Tourist Development Plan (hereinafter "Plan") which sets forth the specific uses and allocation of the revenues of the Bed Tax; and

WHEREAS, the Plan currently provides that One Hundred Thousand Dollars (\$100,000) of the first three (3) cents/three percent (3%) of the Bed Tax revenues shall be expended for Special Major Projects and Events; and

WHEREAS, the Tourist Development Council (hereinafter "TDC") has reviewed the use of Bed Tax revenues for Special Major Projects and Events and has determined that the funding for such projects and events shall be increased an additional Fifty Thousand Dollars (\$50,000) annually; and

WHEREAS, the TDC has recommended that the Plan for the expenditure of the first three (3) cents/three percent (3%) be amended, effective October 1, 2004, by increasing the funding for Special Major Projects and Events to One Hundred and Fifty Thousand Dollars (\$150,000) annually; and

1 **WHEREAS**, the TDC has reviewed the proposed change to the Plan and has recommended
2 amendment of the Palm Beach County Code/Tourist Development Ordinance to incorporate these
3 changes; and

4 **WHEREAS**, the Board of County Commissioners hereby finds that this revision to the Plan
5 will advance, further and promote Palm Beach tourism.

6 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
7 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

8 **Section 1.** Section 17-116, Tourist Development Plan, Subsection (c), Reserve for
9 Convention Center Operations and Maintenance and Special Major Projects and Events, is hereby
10 amended to read as follows:

11 **(C) (1) Reserve for Convention Center Operations and Maintenance and Special**
12 **Major Projects and Events.**

13 Notwithstanding the percentages allocating the initial three percent (3%) of the bed tax revenues
14 to the various categories of uses as set forth above in subsection (b), each year two hundred and
15 fifty thousand dollars (\$250,000) of the initial three percent (3%) of bed tax revenues shall be
16 transferred into an account which shall be reserved for the operation and maintenance costs of a
17 convention center (Category F) and one hundred and fifty thousand dollars ~~(\$100,000)~~ (\$150,000)
18 of the initial three percent (3%) of the bed tax revenues shall be transferred into an account
19 (Category E) which shall be reserved for special major projects and events which may arise from
20 time to time offering the county the opportunity to further, advance, improve, promote, and
21 generate County tourism. The TDC shall review such projects to ensure that the expenditure of
22 such funds is authorized under Florida Statutes, Section 125.0104(5), and is consistent with the
23 Plan. The Category E reserve account shall not exceed one million dollars (\$1,000,000). In the
24 event the account balance does exceed one million dollars (\$1,000,000), the excess revenues shall
25 revert to Categories A, B, C, D, and G in the percentages allocated in subsection (b).

26 **Section 2. REPEAL OF LAWS IN CONFLICT:** All local laws and ordinances in
27 conflict with any provision of this Ordinance are hereby repealed to the extent of any such conflict.

1 **Section 3. SEVERABILITY:** If any section, paragraph, sentence, clause, phrase, or
2 word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative, or
3 void, such holding shall not affect the remainder of this Ordinance.


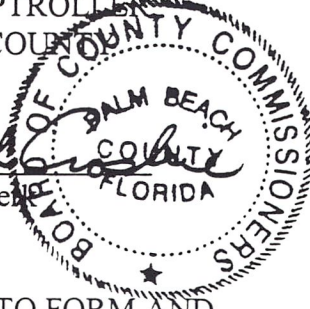
4 **Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**
5 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
6 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered
7 or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article,"
8 or other appropriate word.

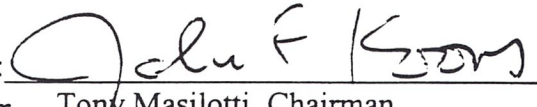
9 **Section 5. ENFORCEMENT:** This Ordinance is enforceable by all means provided by
10 law. Additionally, the County may choose to enforce this Ordinance by seeking injunctive relief
11 in the Circuit Court of Palm Beach County.

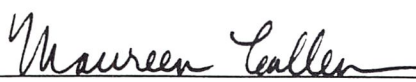
12 **Section 6. APPLICABILITY:** This Ordinance shall be applicable in the unincorporated
13 and incorporated areas of Palm Beach County.

14 **Section 7. EFFECTIVE DATE:** The provisions of this Ordinance shall become effective
15 upon filing with the Department of State.

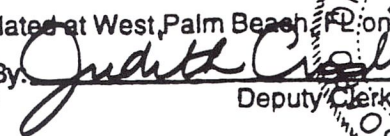
16 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
17 County, Florida, on this the 19th day of April, 2005.

18
19 SHARON R. BOCK
20 CLERK & COMPTROLLER
21 PALM BEACH COUNTY
22 By:  Deputy Clerk
23

24 APPROVED AS TO FORM AND
25 LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
By: 
for Tony Masilotti, Chairman

26 By: 
27 County Attorney

28 **EFFECTIVE DATE:** Filed with the Department of State on the 25th day of
29 April, 2005.

30 STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller, certify
this to be a true and correct copy of the original
filed in my office on APR 19 2005
dated at West Palm Beach, FL, on 5-5-2005
By:  Deputy Clerk
